



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,945	11/15/2000	Tuan Tran	80168-0131	8533
32658	05/03/2004		EXAMINER	
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEEN ST. DENVER, CO 80202			KARMIS, STEFANOS	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/711,945	TRAN, TUAN
	Examiner Stefano Karmis	Art Unit 3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 February 2004.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. This communication is in response to Applicant's amendment filed on 06 February 2004.

***Status of Claims***

2. Claims 1, 12, 15 and 21 have been amended in the same amendment. Claim 22 has been cancelled. Remaining claims have been left as originally filed. Therefore claims 1-21 are under prosecution in this application.

***Summary of this Office Action***

3. Applicant's remarks filed on 06 February 2004 have been fully considered and are discussed in the next section below or within the following rejection. Furthermore, claims 1-21 have been rejected in view of the prior art cited below and Applicant's request for allowance is respectfully declined.

***Response to Arguments***

4. Any arguments related to the previous office action are now considered moot in view of the newly established grounds of rejection.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1-9, 12-18 and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Brady et al. (hereinafter Brady) U.S. Publication US 2002/0128955.

Regarding independent claims 1, Brady discloses a system for developing and using a request for transaction framework comprising a framework engine configured to enable a market maker to develop a request for transaction framework for a particular market (pages 3-4, paragraph 0037); a request for transaction engine to manage a request for transaction using the request for transaction framework, and configured to enable an organization within the particular market to prepare a request relating to a resource requirement and select a response relating to the resource requirement (pages 4-5, paragraphs 0041-0044 and page 5, paragraph 0058).

Claim 2, the framework engine is configured to create a market based on manipulated attribute parameters and identify an analysis framework (page 3, paragraph 0033).

Claim 3, the request for transaction engine comprises a request engine, a response engine and an analysis engine (pages 4-5, paragraphs 0041-0044 and page 5, paragraph 0058).

Claim 4, the request engine is configured to enable an organization to prepare and transmit the request comprising structured attribute information relating to the resource requirement, and wherein the schema of structured attribute information available to the organization is determined by the market maker using the framework engine (page 4, paragraph 0038).

Claim 5, the request engine comprises a request for proposal engine and a request for quote engine (page 3-4, paragraphs 0037-0038).

Claim 6, the analysis engine enables a plurality of providers to perform an analysis framework on a plurality of requests based on an extensible number of attributes, wherein the analysis framework available to the plurality of providers is determined by the market maker using the framework engine (pages 4-5, paragraphs 0038-0043 and 0047-0048).

Claim 7, the response engine enables the plurality of providers to prepare and transmit a plurality of responses to the request (page 5, paragraph 0058).

Claim 8, the analysis engine enables an organization to perform an analysis framework on a plurality of requests based on an extensible number of attributes, wherein the analysis framework available to the organization is determined by the market maker using the framework engine (pages 4-5, paragraphs 0038-0043 and 0047-0048).

Claim 9, the organization transmits information to and receives information from the request engine and the analysis engine based on a first language associated with an organization user; and each of the providers transmit information to and receive information from the response engine and the analysis engine based on a second language associated with a provider user (page 3, paragraph 0032).

Regarding independent claim 12, Brady teaches a computer implemented method for developing and using a request for transaction framework comprising developing an electronic request for transaction framework that establishes a set of relevant attributes for a particular market (page 3, paragraph 0033); receiving a request for transaction, wherein an organization in the particular market indicates a resource requirement by indicating a set of values for the set of relevant attributes (page 5, paragraph 0053); receiving a plurality of responses to the request, wherein a plurality of providers for the particular market develop the plurality of responses by indicating a set of values for the set of relevant attributes (page 3, paragraph 0032); determining a selected response by the organization based on the set of values for the set of relevant variables provided in the plurality of responses (page 3, paragraph 0033-0035).

Claim 13, the request comprises structured attribute information relating to a resource requirement (page 3, paragraph 0033, Figure 4A).

Claim 14, analyzing, by the plurality of providers, a plurality of pending requests based on an extensible number of attributes; and analyzing, by the organization, the plurality of responses based on extensible number of attributes (page 3, paragraph 0034).

Regarding independent claim 15, Brady discloses a method for developing an online request for a transaction by determining relevant market attributes; selecting relevant existing attributes; selectively creating new attributes; selecting an analysis framework and developing the online request for transaction market based on the relevant market attributes and the selected analysis framework (pages 3-4, paragraphs 0033-0034 and 0037, Figures 3D, 3E and 4A).

Claim 16, the act of creating a new attribute comprises an attribute name, an attribute data type; determining a data entry control type; determining a set of attribute constraints; determining an attribute analysis framework option; and developing based on each of the determined attribute parameters a new attribute (pages 3-4, paragraphs 0033-0034 and 0037, Figures 3D, 3E and 4A).

Claims 17 and 18, a data entry control type for attribute values comprises one of, a drop down list, a list box, an input box, a combination box, a radio button and a check box (page 3, paragraph 0033).

Claim 20, the acts are implemented using a graphical user interface (Figures 3D, 3E and 4A).

Regarding independent claim 21, Brady discloses a system for developing and using a request for transaction framework comprising a framework engine means for enabling a market maker to develop a request for transaction framework for a particular market (pages 3-4, paragraph 0037); and a request for transaction means for managing a request for transaction using the request for transaction framework, and configured to enable an organization within the particular market to prepare a request relating to a resource requirement and select a response relating to the resource requirement (pages 4-5, paragraphs 0041-0044 and page 5, paragraph 0058).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 10-11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady et al. (hereinafter Brady) U.S. Publication US 2002/0128955.

Claim 10, Brady teaches altering formats to provide the necessary format needed (page 3, paragraph 0032). Brady fails to teach the organization transmits information to and receives information from the request engine and the analysis engine based on a first currency associated with an organization user; and each of the providers transmit information to and receive

information from the response engine and the analysis engine based on a second currency associated with a provider user. Official Notice is taken that exchanging currency is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Brady to include currency exchange because it provides for a more efficient system with easier access needed in a global economic community.

Claim 11, Brady teaches altering formats to provide the necessary format needed (page 3, paragraph 0032). Brady fails to teach the organization transmits information to and receives information from the request engine and the analysis engine based on a first unit of measure associated with an organization user; and each of the providers transmit information to and receive information from the response engine and the analysis engine based on a second unit of measure associated with a provider user. Official Notice is taken that converting measure is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Brady to include measure conversions because it provides for a more efficient system with easier access needed in a global economic community.

Claim 19, Brady teaches providing new attributes in electronic markets, however Brady fails to teach providing a help object associated with each attribute. Official Notice is taken that help objects are old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings

of Brady to include help objects for newly created attributed because it provides a user of the system beneficial information to understand what is desired by the newly created attribute, which is necessary to produce a match between buyers and sellers.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted  
21 April 2004  
Stefano Karmis



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600